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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,187	07/19/2001	Thomas E. Creamer	BOC9-2000-0059 (194)	1510
40987	7590	09/20/2005	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			NGUYEN, BRIAN D	
			ART UNIT	PAPER NUMBER
			2661	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,187

Applicant(s)

CREAMER ET AL.

Examiner

Brian D. Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-44 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 7/19/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-16, 18-28, 30-36, 38-42, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Pennock et al (6,807,562).

Regarding claim 1, Pennock discloses an instant message (IM) communication method comprising the steps of: inserting in an IM a voice communications identifier, transmitting the IM to a recipient; and, responsive to the recipient selecting the voice communications identifier, establishing a voice communications link with the recipient (see, for example, voice communication (chat) in col. 1, lines 6-10; col. 5, lines 5-19; and figure 15).

Regarding claim 2, Pennock discloses inserting in the IM a selectable symbol denoting voice communication availability (voice chat).

Regarding claim 3, Pennock discloses inserting in the IM a reference to a sender of the IM; and, embedding computer program code in the IM, wherein the computer program code is configured to establish a voice communications link with the sender (see figure 15).

Regarding claim 4, Pennock discloses responsive to the recipient selecting the voice communications identifier, executing the embedded computer program code in order to establish a voice communications link with the sender (joint the chat session).

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Regarding claim 5, Pennock discloses responsive to the recipient selecting the voice communications identifier, determining a link address for the sender based on the reference, and executing the embedded computer program code in order to establish a voice communications link with the sender according to the determined link address (see figure 8; col. 8, lines 20-67).

Regarding claims 6-8, Pennock discloses the link address is a telephone number or IP address and the call is established through the Internet network (see IP address in figure 8).

Regarding claims 10-16 and 18-20, claims 10-16 and 18-20 are method claims that have substantially the same limitations as method claims 1-9 except that the method claims 1-9 related to a sender site while the method claims 10-20 related to the receiver site. Therefore, they are subject to the same rejection.

Regarding claims 21-28, claims 21-28 are machine-readable storage claims that have substantially the same limitations as the respective method claims 1-9. Therefore, they are subject to the same rejection.

Regarding claims 30-36 and 38-40, claims 30-36 and 38-40 are machine-readable storage claims that have substantially the same limitations as the respective method claims 10-20. Therefore, they are subject to the same rejection.

Regarding claims 41-42, claims 41-42 are article of manufacture claims that have substantially the same limitations as claims 1, 3, 8, and 9. Therefore, they are subject to the same rejection.

Regarding claim 44, claim 44 is an apparatus claim that has substantially the same limitation as the respective method claim 10. Therefore, it is subject to the same rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 17, 29, 37, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock in view of Shtivelman (2002/0060988).

Regarding claims 9, 17, 29, 37, and 43, Pennock does not specifically disclose establishing a link over PSTN. However, a network that includes portions of the PSTN for voice communication is well known in the art. Shtivelman discloses this feature (see network in figure 1 that include both the Internet and PSTN). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to establish a link over PSTN in order to meet specific needs.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friesen et al (2003/0097325).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

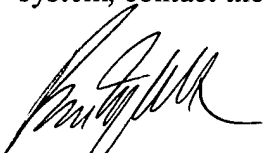
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/14/05

BRIAN NGUYEN
PRIMARY EXAMINER